



Date: February 13, 2004

To: Workforce Development Board (WDB) Executive Directors

From: Connie Colussy, Director
Bureau of Workforce Programs

Subject: **WIA Policy Update 04-03: Veterans' Priority of Service in Workforce Investment Act (WIA) Title I Adult Programs**

Purpose:

This provides guidance to Workforce Development Boards regarding implementing provisions for Veterans priority of service under WIA Title I §663 Adult programs.

Policy/Legislative References:

- Jobs for Veterans Act, Public Law 107-288
- Training and Employment Guidance Letter (TEGL) 5-03
- WIA 20 CFR § 663.600
- State DWD Veteran Program Letter 3-04

Background:

The U. S. Department of Labor (US DOL) issued instructions on September 16, 2003 relating to implementation of the Jobs for Veterans Act. This guidance, issued in TEGL 5-03 (<http://www.doleta.gov/whatsnew/5-03.pdf>), requires priority of service to Veterans (and some spouses) for all DOL training programs. U. S. DOL intends to develop program-specific guidance for these programs; however, TEGL 5-03 indicates that US DOL will not update WIA Title I regulations and planning guidance with specific language on the Veterans' priority until after WIA reauthorization. (However, it does intend to issue a notice of request in the Federal Register for public comment on revised data collection systems and the effect on WIA performance measures.)

Pending development of specific federal guidance for WIA programs, the US DOL has encouraged States to provide interim guidance for WIA Title I programs. DWD/DWS alerted Workforce Development Boards (WDBs) to the federal policy and intention to develop state policy on this issue in the State Veterans Program Letter No. 3-04 dated October 1, 2003, and in letters issued in December 2003 by DWD/DWS Local Program Liaisons concerning WDB WIA plan modifications.

In the absence of program-specific regulatory revisions, US DOL states that the Jobs for Veterans Act is applicable to operations under current law when a program has its own statutory priorities for certain population groups. WIA Title I has such priorities within the context of

regulations related to "Priority and Special Populations". This regulatory provision must be taken into account first as State WIA Title I interim policy guidance on implementing Veterans priority is developed and locally implemented:

§ 663.600 (WIA Final Regulations) (a) WIA states, in section 134(d)(4)(E), that in the event that funds allocated to a local area for adult employment and training activities are limited, priority for intensive and training services funded with title I adult funds must be given to recipients of public assistance and other low-income individuals in the local area.

Policy Guidance:

Pending the issuance of final regulations to implement the Jobs for Veterans Act in WIA Title I programs, the following policy on Veterans (and some spouses) Priority of Service provisions will apply in WIA Title I Adult programs.

- A. When a WDB determines that local adult funds are limited and it is necessary to implement "priority of service" policies in provision of intensive and training services (including Individual Training Accounts) to program eligible adults, veterans priority as well as priority to public assistance recipients and low income individual required in WIA regulation will be considered. Within this context, the following sequence of services to "priority and special populations" will apply:
 - 1. First priority will be provided to recipients of public assistance and other low-income individuals in the local area who are also Veterans, or who are the spouses of Veterans that fall into the following categories;
 - (i) Any veteran who died of a service-connected disability.
 - (ii) Any member of the Armed Forces serving on active duty who, at the time of application for assistance under this section, is listed, pursuant to section 556 of title 37 and regulations issued thereunder, by the Secretary concerned in one or more of the following categories and has been so listed for a total of more than 90 days: (I) missing in action, (II) captured in line of duty by a hostile force, or (III) forcibly detained or interned in line of duty by a foreign government or power.
 - (iii) Any veteran who has a total disability resulting from a service-connected disability.
 - (iv) Any veteran who died while a disability so evaluated was in existence;
 - 2. Recipients of public assistance and other low-income individuals in the local area;
 - 3. Veterans, or, spouse of a Veteran (as defined above);
 - 4. Other local discretionary target population groups or weighted criteria process.
- B. When a WDB provides intensive and training services without the limited funds regulation provision of the priority of services, then Veterans receive priority over non-Veterans.

Action Required:

WDBs should review local policies related to priority of service priorities, as well as other policies related to provision of services, and revise them as necessary to ensure compliance with the above policy guidance and Jobs for Veterans Act. It is anticipated that US DOL will be issuing guidance in the near future related to Dislocated Worker Programs. DWD/DWS will then provide policy instructions on dislocated worker and youth populations.

In addition, WDBs are encouraged to take the following steps:

- A. Provide information to grantees/sub-contractors concerning this policy and the Jobs for Veterans Act and any local WIA Title I program implications. No formal grant modifications are required for existing contracts; however, all subsequent grant agreements where appropriate for service delivery must include this Veterans' priority mandate.
- B. While WDBs are not required to set aside funds to address the mandatory Veterans' priority provisions, WDBs may want to review/revisit the percentage of funds allocated to Core, Intensive and Training Services depending on the number of persons being served in various target population groups based on their assessed needs for appropriate service delivery.

Questions and Technical Assistance

If you have any questions about implementation, please contact your Local Program Liaison.

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